

From: Steve Speck
To: Microsoft ATR
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Subject: Microsoft Settlement

I am a citizen of the United States of America and the state of Florida.
I have read the proposed settlement and do not believe it will do anything to prevent Microsoft from continuing to use it's monopoly power in operating systems to extent monopoly into other areas.

Below are few of the many problems I find with the settlement.

I am a programmer by profession and the definition of API is much too narrow, allowing many critical API's to remain proprietary. Microsoft has in the past and continues to manipulate such APIs to cause incompatibilities between Windows and non-Microsoft application programs when Microsoft decides to take over a particular application category.

The agreement defines "Windows" too narrowly, the definition should include all operating systems based on the Windows API, such as Windows CE and the X-Box operating system.

Microsoft will still be able to craft license agreements that prevent Windows software from running on other operating systems.

Microsoft will continue it's practice of requiring enterpirse customers to pay a license fee for each computer capable of running Windows, whether or not it actually does so. Such contracts with OEMs were prohibited as unfair in the 1994 settlement between Microsoft and the United States of America, and they are still unfair no matter who the customer.

Stephen Speck